

PROCLAMATION

BY THE

Governor of the State of Texas

41-2569

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 959 because of the following objections:

This bill would do the following: (1) move the Energy Management Division of the Office of the Governor to the General Services Commission; (2) transfer the authority of the Governor to finance and monitor programs of the oil overcharge restitutionary fund to the Legislative Budget Board; and (3) establish the Texas Energy Efficiency and Conservation Fund. Parts of this bill are worthwhile and even laudable, such as the bond program for low income home energy assistance. I regret that the veto includes what could have been a good benefit. Other provisions require this bill to be vetoed.

The federal court decisions and regulations of the Department of Energy require the involvement of the Governor in the process of receiving oil overcharge funds and directing their use. The federal law provides:

(b) As soon as practicable, the Secretary of Energy shall disburse designated petroleum violation escrow funds to the Governors of the States in accordance with the formula set forth in subsection (d).

(c) Amounts disbursed to the Governor of any state shall be used by the Governor as if such funds were received under one or more energy conservation programs. The Governor shall identify to the Secretary within one year after the time of disbursement the energy conservation programs or programs to which the funds are or will be applied.

An unauthorized change in the administration of the funds could jeopardize the entire program. The bill would limit the role of the Governor to final approval of actions of the LBB. Further, the constitutional separation of powers provision requires that this should be an executive function and not a legislative one.

The bill transfers the employees who currently administer this program to the General Services Commission without transferring the appropriations to

pay them. Without other action to provide funds to pay these employees, the General Services Commission would be required to move funds from other programs or lay off the employees.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.



Ann W. Richards
Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

10:10 p.m. O'CLOCK

JUN 20 1993

John Hannaford Jr.
Secretary of State